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JAPANESE PATENT OFFICE

## PATENT ABSTRACTS OF JAPAN

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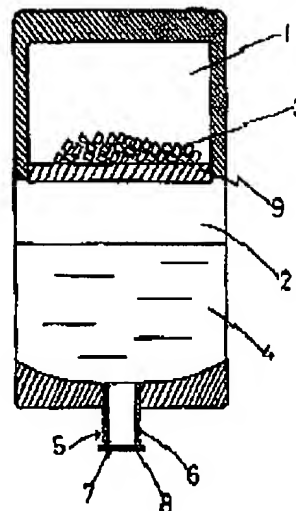
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## (54) DRINK CONTAINER FOR INFANT

## (57) Abstract:

**PROBLEM TO BE SOLVED:** To provide the subject hygienic container capable of giving solid foods previously preserved in a container having a chamber storing the solid foods such as vegetables, fruits, etc., and a chamber storing a liquid to an infant by mixing the solid foods with the liquid at a necessary time.

**SOLUTION:** Second chamber 2 of this container is pressurized from outside by hand, a separating band part 9 is peeled off by the pressure of a stored liquid 4 in the second chamber and the second chamber 2 is communicated to the first chamber 1 to form one chamber, and solid foods 3 are mixed with the liquid 4. The container is sufficiently shaken to mix the solid foods 3 with the liquid 4, a cover sheet 8 at a container inlet part 7 is peeled off and the mixture is transferred to an other vessel, then given to an infant by using a spoon.



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## Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing, Postal code: 100088

Applicant	L'OREAL		Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.			July 23, 2004
Patent Application No.	03147601.5	Application Date	July 14, 2003	Exam. Dept.
Title of Invention	DEVICE FOR PACKAGING A LEAST ONE PRODUCT, IN PARTICULAR A COSMETIC PRODUCT			

*First Office Action*

1. ☒ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on \_\_\_\_\_.
- ☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.
2. ☒ The applicant requests taking the filing date, July 15, 2002, at the FR Patent Office, the filing date, Nov. 26, 2002, at the FR Patent Office, the filing date, \_\_\_\_\_, at the \_\_\_\_\_ Patent Office as the priority date of the present application.
- ☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.
- ☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.
3. ☐ The applicant filed amended application document(s) on \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Examination has confirmed that \_\_\_\_\_ filed on \_\_\_\_\_ cannot be accepted, \_\_\_\_\_ filed on \_\_\_\_\_ cannot be accepted, as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.
- ☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ For the specific reason that the amendment(s) cannot be accepted, see the text of

the Office Action.

4. ☒ The examination is conducted in the light of the original application document(s)
- ☐ The examination is conducted in the light of the following application document(s):  
in the original application documents submitted on the filing date:  
Claim(s) \_\_\_\_\_, page(s) \_\_\_\_\_ of the description, Figure(s)  
of the drawing(s); Claim(s) \_\_\_\_\_, page(s) \_\_\_\_\_ of the description,  
Figure(s) \_\_\_\_\_ submitted on \_\_\_\_\_; Claim(s) \_\_\_\_\_, page (s)  
of the description, Figure(s) \_\_\_\_\_ submitted on \_\_\_\_\_
- ☐ Abstract of the description submitted on \_\_\_\_\_.
5. ☐ The present Office Action has been prepared without a search having been conducted.
- ☒ The present Office Action has been prepared with a search having been conducted.
- ☒ The following reference document(s) is/are cited in this Office Action (its/their serial number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	JP9023857A	(Date) 1997.01.28
2		(Date)
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

- ☒ On the description:
- ☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.
- ☒ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.
- ☒ On the claims:
- ☐ Claim comes within the scope where no patent right is granted as provided in Article 25 of the Patent Law.
- ☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the Implementing Regulations.
- ☒ Claim 1-3,5,8,10,18,20-21 does not possess novelty as provided in Article 22(2) of the Patent Law.
- ☒ Claim 6-7,17,22 does not possess inventiveness as provided in Article 22(3) of the Patent Law.
- ☐ Claim \_\_\_\_\_ does not possess practical applicability as provided in Article 22(4) of the Patent Law.

- ☒ Claim 1 is not in conformity with the provision of Article 26(4) of the Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provision of Article 31(1) of the Patent Law.
- ☒ Claim 1-2,12,14,18,22 is not in conformity with the provisions of Rule 20 of the Implementing Regulations.
- ☒ Claim 4-5,8-12,17,19-20 is not in conformity with the provisions of Rule 23 of the Implementing Regulations.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provision of Article 9 of the Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

- ☒ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
- ☐ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:

- (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within **four** months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
- (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
- (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document not mailed or presented to the Acceptance Section have no legal force.
- (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 2 page(s) and of the following annex(es):

- ☒ 1 duplicate copies of the reference document(s) cited totalling 1 page(s).

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## TEXT OF THE FIRST OFFICE ACTION

The present application relates to a device for packaging at least one product, in particular a cosmetic product. Upon examination, the examiner raises comments hereunder.

Claim 1 is not in conformity with Article 26.4 of the Chinese Patent Law. The features 'at least one compartment (9, 12) intended to contain said product' and 'means (2, 3)..... to generate a fluid pressurization' therein are not supported by the description. Specifically speaking, the first feature gives too broad a summary whilst the second one appears inconsistent with the description contents concerned.

Say, if the applicant further defines the first feature and amends the second one to 'means (2, 3) ..... to generate a pressure'. Then, the dependent claim 2, which depends upon the amended independent claim 1, claims a protection scope substantively identical with that of claim 21.

If the applicant amends claim 1 as proposed in the aforesaid, the amended independent claim 1 does not possess novelty over reference 1 (JP 9023857A) under Article 22.2 of the Chinese Patent Law. This is because reference 1 has disclosed identical technical solution, technical field (i.e.: both belong to the field of packaging two temporary mixing products of a solid product and a fluidized product) and technical effects as those of claim 1. Please see the abstract and figures of reference 1 for specific details.

The additional technical features outlined in the dependent claims 2, 3, 5, 8, 10, 18 and 20 have been disclosed by reference 1 (see the abstract and figures thereof). Hence, when the claims referred to respectively therein not possessing novelty over reference 1, claims 2, 3, 5, 8, 10, 18 and 20 are also rendered not to possess novelty either.

Consequently, conclusion can be made that the independent claim 21, which claims substantively identical protection scope as that of the dependent claim 2, is also rendered not possess novelty required.

The additional technical features of the dependent claims 6 – 7, 17 and 22 are technical steps readily up to those skilled in the art when coming to the solution of the corresponding technical problems; or belong to

alterations of conventional uses in the art. Hence, when the claims referred to not possessing novelty over reference 1, said claims 6- 7, 17 and 22 are also rendered neither possessing prominent substantive features nor representing notable progress and non-inventive under Article 22.3 of the Chinese Patent Law.

Claims 4 – 5 and 10 – 11 are defective in multiple dependencies and not in conformity with Rule 23.2 of the Implementing Regulations.

Claims 8 – 9, 12, 17 and 19 – 20, being unclear in the dependencies cited in the reference portions, are not in conformity with Rule 23.1 of the Chinese Patent Law.

Claims 1, 12, 14, 18 and 22 are not in conformity with Rule 20.1 of the Implementing Regulations for the expression 'in particular' respectively therein being obscure, possibly rendering the claimed protection scopes in said claims indefinite.

The description portions are each in lack of its subtitle and this is not in conformity with Rule 18.2 of the Implementing Regulations.

The applicant is reminded that, when filing amendments to the claims, the claims should be filed clearly and concisely as a whole. And he should also consistently amend the description and the abstract as well.

Owing to the above-stated reasons, the present application can hardly be granted a patent right as according to its current text. If the applicant amends the same to overcome said existing defects in light of the comments raised herein above, the present application might expectantly be patent-granted. However, amendments so filed should fall within Article 33 of the Chinese Patent Law in not going beyond the contents contained in the initial description and claims.

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